PATENT
Customer No. 22,852
Attorney Docket No. 6832.0064

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 7,189,690	)	
	)	
Inventors: Craig A. Rosen et al.	)	
	)	
Application No.: 10/775,180	)	Confirmation No.: 1800
	)	
Issue Date: March 13, 2007	)	
	)	
For: ALBUMIN FUSION PROTEINS	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. § 255 and 37 C.F.R. § 1.323, this is a request for a Certificate of Correction in the above-identified patent. The mistake identified in the appended Form is of a clerical or typographical nature, or of minor character, and resulted from an error made in good faith by patentees.

Claims 1 and 24 of the patent recite SEQ ID NO:1038 as representing the amino acid sequence of albumin. However, claims 1 and 24 should have recited SEQ ID NO:327 instead. This error was inadvertent and occurred without deceptive intent. Thus, the Certificate of Correction corrects this error and replaces SEQ ID NO:1038 with SEQ ID NO:327 in claims 1 and 24.

The sequence listing for the patent contains 858 sequences. Thus, it is clear that the recitation of SEQ ID NO:1038 is an error since this SEQ ID NO does not exist. The reason SEQ ID NO:1038 was mistakenly used is that in a related family of patent

applications, which is based on PCT International Application No. PCT/US2002/40891 and was prosecuted concurrently with the instant patent, SEQ ID NO:1038 indeed correctly represents the amino sequence of albumin (see, e.g., U.S. Patent No. 7,141,547 at col. 1, lines 41-45, and claim 1). However, in the instant patent, which is based on PCT International Application No. PCT/US2002/40892, the amino acid sequence of albumin is correctly represented by SEQ ID NO:327. The amino acid sequence of SEQ ID NO:327 in the instant patent is identical to the amino acid sequence of SEQ ID NO:1038 in U.S. Patent No. 7,141,547. Furthermore, the claims of the parent application (PCT/US2002/40892) of the instant application correctly refer to SEQ ID NO:327 as representing the amino acid sequence of albumin (see, e.g., claim 1 of PCT/US2002/40892).

In summary, the recitation of SEQ ID NO:1038 in claims 1 and 24 of the instant patent occurred due to an inadvertent error when the SEQ ID NO for albumin from a related application was mistakenly used as the SEQ ID NO for albumin in the instant application.

Applicants respectfully submit that correction of the SEQ ID NO in claims 1 and 24 would not be a change that constitutes new matter or requires reexamination. It would not constitute new matter because SEQ ID NO:327 in fact shows the amino acid sequence of mature albumin, as disclosed in the specification and claims of the parent application and the specification of the instant patent. The specification of the instant patent clearly identifies SEQ ID NO:327 as showing the amino acid sequence of mature albumin (see, e.g., col. 2, lines 63-67; col. 5, lines 53-55, and Fig 5; and col. 75, lines 25-29). Furthermore, during the examination of the patent application that issued as the

instant patent, the Examiner requested that Applicant elect a single sequence for searching (see, e.g., the Office communication mailed on March 1, 2006). In response, Applicant elected Fusion No. 137 (Construct ID 3070; SEQ ID NOs:447 and 449) for the searching (see Supplemental Reply to Restriction Requirement filed on March 31, 2006). The Examiner subsequently based the allowance of the claims in part on a search of Fusion No. 137 (Construct ID 3070; SEQ ID NOs:447 and 449):

> The following is an **Examiner's Statement of Reasons for Allowance:** The prior art of record does not teach or suggest a method for treating obesity or losing weight by administering a fusion protein comprising tandem GLP-1 polypeptides and albumin. ***A search of the sequence for Construct ID 3070 having SEQ ID NO: 447 and also SEQ ID NO: 449 did not produce art against the instantly claimed invention.*** Also, a search of the databases revealed fusion proteins comprising single GLP-1 polypeptides fused to albumin, but not tandem GLP-1 polyeptides fused to albumin - see US 2004/0053370, for example, and "albugon" as taught by Baggio et al. (2004. A Recombinant Human Glucagon-Like Peptide (GLP)-I-Albumin Protein (Albugon) Mimics Peptidergic Activation of GLP-1 Receptor-Dependent Pathways Coupled With Satiety, Gastrointestinal Motility, and Glucose Homeostasis. Diabetes. 53(9): 2492-2500). Thus, while the specific sequences/constructs set forth in Claim 45 were not searched, ***the combination of search for Construct ID 3070 and word search in the databases which produced art around the invention and should have produced art against the invention if the invention were in the databases, these sequences and constructs are novel.*** Therefore, the claims are allowable over the art of record.

Notice of Allowability mailed May 23, 2006, at page 3 (emphasis added in bold and italics). Construct ID 3070 encodes an albumin fusion protein with the amino acid sequence shown in SEQ ID NO:447, which comprises the amino acid sequence of mature albumin, identical to the amino acid sequence shown in SEQ ID NO:327. Therefore, the subject matter of the corrected claims would have been covered by the

searches done by the Examiner and no reexamination of the corrected claims would therefore be required.

The fee in the amount of $100 as set forth in 37 C.F.R. § 1.20(a) is enclosed. Should any additional fees be needed, authorization is hereby given to charge any fees due in connection with the filing of this request to Deposit Account 06-0916.

Two (2) copies of PTO Form 1050 are appended. The complete Certificate of Correction involves one (1) page. Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 21, 2011

By: Charles E. Van Horn
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. 7,189,690 Page 1 of 1

APPLICATION NO.: 10/775,180

ISSUE DATE: March 13, 2007

INVENTOR(S): Craig A. Rosen et al.

It is hereby certified that an error or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In claim 1 in column 365, replace "SEQ ID NO:1038" with --SEQ ID NO:327--.

In claim 24 in column 366, replace "SEQ ID NO:1038" with --SEQ ID NO:327--.

MAILING ADDRESS OF SENDER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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In claim 24 in column 366, replace "SEQ ID NO:1038" with --SEQ ID NO:327--.

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